REMARKS

Applicants thank the Examiner for the detailed Office Action dated January 3, 2007. Applicants respectfully request reconsideration of the present Application in view of the reasons that follow.

Claims 1-7, 13-14, 20-51 and 55-68 are now pending in this Application.

For simplicity and clarity purposes in responding to the Office Action, Applicants' remarks are primarily focused on the rejections of the independent claims (i.e., Claims 1, 14, 31, 46, 55, 59, 61, 64, 66, 67 and 68) outlined in the Office Action with the understanding that the dependent claims that depend from the independent claims are patentable for at least the same reasons (and in most cases other reasons) that the independent claims are patentable. Applicants expressly reserve the right to argue the patentability of the dependent claims separately in any future proceedings.

Independent Claims 1, 14, 31, 46, 55, 61, 66, 67 and 68

On page 2 of the Office Action, independent Claims 1, 14, 31, 46, 55, 61, 66, 67 and 68 and various dependent claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 2004/0230346 to Brooks et al. ("Brooks") in view of U.S. Patent No. 6,421,593 to Kempen et al. ("Kempen").

In the 10-18-06 Office Action Response, Applicants submitted a declaration under 37 C.F.R. 1.131 to overcome the Brooks reference. On pages 4 and 5 of the Office Action, the 10-18-06 declaration was considered ineffective to overcome the Brooks reference. The Office Action stated:

> The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Brooks et al. reference. First, the declaration states that the invention was conceived and reduced to practice in the United States before the date of the reference, however, many of the exhibits produced appear to be from the Netherlands. It would be proper if they

> invention was reduced to practice partially in the Netherlands since it is a WTO country, but the declaration will need to state this fact.

The Office Action further stated:

> Second, the declaration and exhibits must clearly explain which facts or data Applicants is relying on to show completion of his her invention prior to the particular date. Vague and general statements in broad terms about what the exhibits describe along with a general assertion that the exhibits describe a reduction to practice 'amounts essentially to mere pleading, unsupported by proof or a showing of facts' and, thus, does not satisfy the requirements of 37 CFR 1.131(b). In re Borkowski, 505 F.2d 713, 184 USPQ 29 (CCPA 1974). In this case, how does a specification show actual reduction to practice? Are these specification sheets for an actual product that has been created or are they still part of the conception?

The Office Action further stated:

> Third, it would be helpful to explain who Gert Meilink is. This person is not a named inventor but appears to have produced the exhibits. This person may simply be an office assistant, but it would be helpful to know why the work appears to be produced by him/her.

In response, Applicants have attached hereto a declaration of prior invention under 37 C.F.R. § 1.131 that states that the invention was conceived of and reduced to practice in the United States. The 37 C.F.R. § 1.131 declaration establishes invention of the subject matter of the rejected claims prior to the effective date of the Brooks reference, along with diligence until constructive reduction to practice. Constructive reduction to practice was completed on September 22, 2003, which was evidenced by the filing of a United States patent application. Exhibits A, B-1, B-2, C, D, E, F-1, F-2, G, H, I, J and K of the 37 C.F.R. § 1.131 declaration explicitly quote the data that the Applicants are relying on to show conception. Exhibits L, M, N, O, Q, R and S of the 37 C.F.R. § 1.131 declaration explicitly show the data that the Applicants are relying on to show diligence. The 37 C.F.R. § 1.131 declaration states that Gert

Meilink was an independent contractor and is not an inventor. Please note that there is no Exhibit P because the labeling process inadvertently skipped the letter P.

Applicants respectfully submit that the subject matter recited in independent claims 1, 14, 31, 46, 55, 61, 66, 67 and 68 and the claims which are dependent thereon, considered as a whole, would not have been obvious to a person of skill in the art and are patentable. Accordingly, Applicants request withdrawal of the rejection of the claims under 35 U.S.C. § 103(a).

Independent Claims 59 and 64

On page 4 of the Office Action, independent Claims 59 and 64 and various dependent claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 2004/0230346 Brooks et al. ("Brooks") in view of U.S. Patent No. 6,421,593 to Kempen et al. ("Kempen") and further in view of U.K. Patent Application No. GB 2337137 A to Scott ("Scott").

In the 10-18-06 Office Action Response, Applicants submitted a declaration under 37 C.F.R. 1.131 to overcome the Brooks reference. On pages 4 and 5 of the Office Action, the 10-18-06 declaration was considered ineffective (see reasons quoted above) to overcome the Brooks reference.

In response, Applicants have attached hereto a declaration of prior invention under 37 C.F.R. § 1.131 that states that the invention was conceived of and reduced to practice in the United States. The 37 C.F.R. § 1.131 declaration establishes invention of the subject matter of the rejected claims prior to the effective date of the Brooks reference, along with diligence until constructive reduction to practice. Constructive reduction to practice was completed on September 22, 2003, which was evidenced by the filing of a United States patent application. Exhibits A, B-1, B-2, C, D, E, F-1, F-2, G, H, I, J and K of the 37 C.F.R. § 1.131 declaration explicitly quote the data that the Applicants are relying on to show conception. Exhibits L, M, N, O, Q, R and S of the 37 C.F.R. § 1.131 declaration explicitly show the data that the Applicants are relying on to show diligence. The 37 C.F.R. § 1.131 declaration states that Gert

Meilink was an independent contractor and is not an inventor. Please note that there is no Exhibit P because the labeling process inadvertently skipped the letter P.

Applicants respectfully submit that the subject matter recited in independent Claims 59 and 64 and the claims which are dependent thereon, considered as a whole, would not have been obvious to a person of skill in the art and are patentable. Accordingly, Applicants request withdrawal of the rejection of the claims under 35 U.S.C. § 103(a).

* * *

Applicants respectfully submit that the present Application is in condition for allowance. Applicants request reconsideration and allowance of the pending claims. The Examiner is invited to contact the undersigned by telephone if the Examiner needs anything or if a telephone interview would advance the prosecution of the present application.

Applicants respectfully put the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present patent Application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent Application and/or any patents or patent applications to which priority is claimed by this patent Application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this Application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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